

007 REQUIREMENTS FOR MASSAGE THERAPY ESTABLISHMENT INSPECTIONS.

All massage therapy establishments shall receive an initial and thereafter, a biennial routine inspection. The criteria for inspection required by the department and the Board is set forth below:

- 007.01 Initial Inspection The Board or its agent shall conduct an on-site inspection prior to the opening of a massage therapy establishment.
 - 007.01A The inspection shall be conducted within one hundred fifty (150) days of the receipt of a completed massage therapy establishment licensure application.
 - 007.01B The inspection shall be announced and it shall be limited to the following purposes:
 - 007.01B1 To ascertain whether or not all massage therapists working on the premises are properly licensed;
 - 007.01B2 To ascertain whether or not the equipment and sanitation requirements found in Section 008 of these regulations are met;
 - 007.01B3 To ascertain whether or not the physical structure found in Section 009 of these regulations are met; and
 - 007.01B4 To ascertain whether or not the duties of the massage therapist and manager and/or owner found in Sections 011 and 012 of these regulations are met.
- 007.02 Criteria for Successful Completion of an Initial Inspection.
 - 007.02A The inspector shall record a rating of "Satisfactory or Unsatisfactory" on the inspection report, a copy of which is attached hereto as Attachment D and incorporated in these regulations by this reference.
 - 007.02B The inspector shall record a rating of "Satisfactory" on the initial inspection, when the establishment receives an overall inspection rating of 100% and an "Unsatisfactory" on the initial inspection when the establishment receives an overall inspection rating of less than 100% or if the inspector believes there is a severe Health risk to the public.
 - 007.02C When an applicant receives a rating of "Unsatisfactory" the applicant shall not operate the establishment. The establishment has thirty (30) days from the date of the initial inspection to correct the deficiencies.
 - 007.02D The inspector shall conduct a re-inspection within thirty (30) days of receipt of verification that all corrections cited on the inspection report are corrected, documented on a form provided by the Department, a copy of which is attached hereto as Attachment D, and incorporated in these regulations by this reference.
 - 007.02E If the establishment receives a "Satisfactory" rating after re-inspection, the inspector shall change the "Unsatisfactory" rating and enter a "Satisfactory" rating.
 - 007.02F If the establishment receives an "Unsatisfactory" rating, after the re-inspection, the Department shall deny the applicant the issuance of a massage therapy establishment license.
- 007.03 Biennial Inspection The Board or its agent shall conduct an on-site inspection of each massage therapy establishment.
 - 007.03A The inspection shall be unannounced and it shall occur biennially.
 - 007.03B The inspection shall be limited to the following purposes:
 - 007.03B1 To ascertain whether or not all massage therapists working on the premises are properly licensed;
 - 007.03B2 To ascertain whether or not the equipment and sanitation requirements found in Section 008 of these regulations are met;

- 007.03B3 To ascertain whether or not the physical structure found in Section 009 of these regulations are met; and
- 007.03B4 To ascertain whether or not the duties of the massage therapist and manager and/or owner found in Sections 011 and 012 of these regulations are met.
- 007.03C The inspection results shall be recorded on a form provided by the Department, a copy of which is attached hereto as Attachment D, and incorporated in these regulations by this reference.
- 007.04 Criteria for Successful Completion of a Routine Inspection.
 - 007.04A The inspector shall issue a rating of "Satisfactory" on all routine inspections when the establishment receives an overall inspection rating of 100%.
 - 007.04B The inspector shall issue a rating of "Unsatisfactory" on all routine inspections when the establishment receives an overall inspection rating of less than 100%.
 - 007.04B1 When an establishment receives a rating of "Unsatisfactory", the Department shall forward to the establishment Owner/Board of Directors, written notification that the establishment license has been placed on a probationary status until all deficiencies cited during the inspection are corrected. The establishment has thirty (30) days from the date of the initial inspection to correct the deficiencies.
 - 007.04B2 The inspector shall conduct a re-inspection of the establishment within fifteen (15) days of receipt of verification that all corrections cited on the inspection report are corrected, on a form provided by the Department, a copy of which is attached hereto as Attachment D, and incorporated in these regulations by this reference.
 - 007.04B2a If the establishment meets the requirements at the time of re-inspection, the inspector shall change the "Unsatisfactory" rating and enter a "Satisfactory" rating.
 - 007.04B2b If the establishment receives an "Unsatisfactory" rating, after the re-inspection, the Department shall, within ten (10) days of the completion of the re-inspection, give notice to the establishment that the license is suspended. Such notice shall be in written form and shall:
 - 007.04B2b(1) State that the establishment license is suspended;
 - 007.04B2b(2) State the reasons for the establishment license suspension;
 - 007.04B2b(3) State that the establishment license suspension will become final thirty (30) days after the mailing of the notice of suspension unless the Owner/Board of Directors submits a written request for a hearing within such thirty (30) day period; and
 - 007.04B2b(4) Be sent to the Owner/Board of Directors by certified mail.
 - 007.04B2c Upon receipt of a written request for a hearing, the Owner/Board of Directors shall be given a hearing before the Department.
 - 007.04B2d The Department's decision regarding the suspension of the license shall become final thirty (30) days after a copy of the decision is mailed to the Owner/Board of Directors, unless the Owner/Board of Directors appeals the decision. The Owner/Board of Directors must make a written request to the Department for an appeal. The appeal shall be conducted in accordance with the Administrative Procedure Act and 184 NAC 1, Rules of Practice and Procedure for the Department.

007.04B3 When an establishment license is suspended for failure of a biennial inspection, the establishment must reapply to the Department for a license to operate as specified in Section 003 of these regulations.

007.05 Failure to permit an inspection for the purposes set out in Section 007.01 and 007.03 of these regulations shall be grounds for denial of an initial massage therapy establishment license or for suspension of a massage therapy establishment's existing license.